

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

3:07cv163-RJC

3:08cv400-RJC

**SHELL TRADEMARK MANAGEMENT )  
BV, & MOTIVA ENTERPRISES, LLC, )  
                                      )**

**Plaintiffs,                      )  
                                      )**

**v.                                )  
                                      )**

**RAY THOMAS PETROLEUM        )  
COMPANY, INC.,                  )  
                                      )**

**Defendant.                     )  
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**SHELL OIL COMPANY & MOTIVA    )  
ENTERPRISES, LLC,                )  
                                      )**

**Plaintiffs,                      )  
                                      )**

**v.                                )  
                                      )**

**L. RAY THOMAS,                 )  
                                      )**

**Defendant.                     )  
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**THIS MATTER** is before the Court *sua sponte*. Federal Rule of Civil Procedure 42(a) grants the Court authority to consolidate “actions involving a common question of law or fact.” Fed. R. Civ. P. 42(a). The decision to consolidate is committed to the Court’s discretion and consolidation may be initiated *sua sponte*. See Arnold v. E. Air Lines, Inc., 681 F.2d 186, 193 (4th Cir. 1982). The claims alleged by Plaintiffs in these cases arise from a common set of facts—alleged violation of a Wholesaler Marketing Agreement. The legal issues presented overlap, the Defendants are the company and its principal, and there is a little likelihood of prejudice to any party if the cases

are consolidated.

**IT IS, THEREFORE, ORDERED** that Plaintiffs' civil actions (3:07-cv-163 and 3:08-cv-400) will be consolidated pursuant to Rule 42(a). The Clerk is directed to consolidate civil action number 3:08-cv-400-RJC into the earlier filed related civil action 3:07-cv-163-RJC.

**IT IS FURTHER ORDERED** that to the extent matters related to the scope of the Guaranty agreement that remain unresolved by the Court's ruling on the Plaintiffs' motion for summary judgment require discovery, such discovery must be concluded on or before April 30, 2009.

**IT IS FURTHER ORDERED** that the trial date for these cases is set for July 6, 2009.

**SO ORDERED.**

Signed: January 21, 2009

  
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Robert J. Conrad, Jr.  
Chief United States District Judge  
